

PATENT COOPERATION TREATY



From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
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PCT

NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing
(day/month/year)

21 MAY 2008

Applicant's or agent's file reference

030240WO

IMPORTANT NOTIFICATION

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US04/04669

17 February 2004 (17.02.2004)

18 February 2003 (18.02.2003)

Applicant

QUALCOMM INCORPORATED

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US

Mail Stop PCT, Attn: IPEA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (571) 273-3201

Authorized officer

Kevin Mew

Telephone No. 571-272-3141

Form PCT/IPEA/416 (July 1992)

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 030240WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US04/04669	International filing date (day/month/year) 17 February 2004 (17.02.2004)	Priority date (day/month/year) 18 February 2003 (18.02.2003)
International Patent Classification (IPC) or national classification and IPC IPC: H04J 11/00 (2006.01) USPC: 370/203		
Applicant QUALCOMM INCORPORATED		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 0 sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the report
 - II ☐ Priority
 - III ☐ Non-establishment of report with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 13 September 2004 (13 09.2004)	Date of completion of this report 12 May 2008 (12.05.2008)
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer: Kevin Mew Telephone No. 571-272-3141

Form PCT/IPEA/409 (cover sheet) (July 1998)

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed.
- ☒ the description:
pages 1-45 as originally filed
pages NONE filed with the demand
pages NONE filed with the letter of _____
- ☒ the claims:
pages 46-56 as originally filed
pages NONE as amended (together with any statement) under Article 19
pages NONE filed with the demand
pages NONE filed with the letter of _____
- ☒ the drawings
pages 1-9 as originally filed
pages NONE filed with the demand
pages NONE filed with the letter of _____
- ☐ the sequence listing part of the description:
pages NONE as originally filed
pages NONE filed with the demand
pages NONE filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____, which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheets/fig NONE

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US04/04669**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims <u>8 and 9</u>	YES
	Claims <u>1-7 and 10-44</u>	NO
Inventive Step (IS)	Claims <u>8 and 9</u>	YES
	Claims <u>1-7 and 10-44</u>	NO
Industrial Applicability (IA)	Claims <u>1-44</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Please See Continuation Sheet

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Claims 1-7, 10-44 lack novelty under PCT Article 33(2) as being anticipated by Murai (EP 0 809 364 A).

Regarding claim 1, Murai discloses an apparatus, comprising:

a first encoder for receiving a plurality of symbol streams and encoding each of the symbol streams with one of a plurality of covering sequences to form a plurality of covered sequences (CDM(B), page 16, lines 1-26; Fig. 20);
a summer for summing the plurality of covered sequences to form a first Code Division Multiplexed (CDM) signal (page 16, lines 56 - page 17, line 9; Figs. 9, 20 and 22); and

a second encoder for covering the first CDM signal with a covering sequence to form a first covered CDM signal (CDM(A), page 16, lines 1-26; Figs. 9, 20 and 22).

Regarding claims 2-7, 10, Murai also discloses the features of each of the claims 2-7, 10 (page 16, line 56 - page 18, line 15).

Regarding claims 8, 9, the features of dependent claims 8 and 9 are neither known from, nor rendered obvious by, the available prior art, and thus would be considered novel and having inventive step if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 11, 14, 16-21, 23, 33, 35-44, Murai also discloses the features of claims 11, 14, 16-21, 23, 33, 35-44 (page 16, line 56 - page 18, line 15).

Regarding claim 25, Murai also discloses the features of claim 25 above (page 16, line 56 - page 18, line 15).